



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

Regulatory Branch (1145b)
805 Frontage Road
Suite 200C
Kenai, Alaska 99611-7755

PUBLIC NOTICE DATE: May 4, 2006
EXPIRATION DATE: June 5, 2006
REFERENCE NUMBER: POA-2005-1932-4
WATERWAY: Kasilof River

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States as described below and shown on the attached plan.

APPLICANT: Mr. Larry L. Lewis, P.O. Box 403, Kasilof, Alaska 99610; (907) 262-1370

LOCATION: Lot A2 of the Reyes Tracts #2 Subdivision, within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 24, T. 3 N., R.12 W., Seward Meridian, near Kasilof, Alaska; Kenai Peninsula Borough Parcel Number 133-310-24, and; Latitude 60.3370°N, Longitude 151.2914°W.

WORK: The proposed project is to excavate approximately 8000 cubic yards of peat material from approximately 1.1 acres of wetlands to create a 3-foot to 5-foot deep pond and to sidecast the excavated material into several approximately 2-foot high spoil piles with at least 3:1 side slopes adjacent to the excavated area. The spoil piles will be constructed at least 12-feet from the excavated wetland edge. The total sidecast area for the proposed excavated material will be approximately $\frac{1}{2}$ acre.

PURPOSE: The purpose of the proposed project is to conduct wildlife enhancement within wetlands.

ADDITIONAL INFORMATION: The proposed project site is located within an approximately 300 acre wetland complex which drains to the east into the Kasilof River via several small drainages.

No file history was found for the proposed project area.

The applicant's agent is Mr. Jeff Tubbs, Tubbs Enterprises, P.O. Box 765, Kasilof, AK 99610.

The proposed pond construction project is being partially funded by the Natural Resources Conservation Services (NRCS) through a Wildlife Habitat Development Plan. According to the application, the proposed pond would provide shallow water areas on the property and would be designed and maintained in order to provide habitat for extended periods in the summer for cranes, puddle ducks, nesting diving ducks, shore birds, moose and bear.

WATER QUALITY CERTIFICATION: A permit for the described work will not be issued until a certification or waiver of certification as required under Section 401 of the Clean Water Act (Public Law 95-217), has been received from the Alaska Department of Environmental Conservation.

COASTAL ZONE MANAGEMENT ACT CERTIFICATION: Section 307(c)(3) of the Coastal Zone, Management Act of 1972, as amended by 16 U.S.C. 1456(c)(3), requires the applicant to certify that the described activity affecting land or water uses in the Coastal Zone complies with the Alaska Coastal Management Program. A permit will not be issued until the Office of Project Management and Permitting, Department of Natural Resources has concurred with the applicant's certification.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

CULTURAL RESOURCES: The latest published version of the Alaska Heritage Resources Survey (AHRS) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. There is an unevaluated property in the vicinity of the worksite. It has been designated KEN-00086. Because the property has been determined to be outside of the project area, no further action is required. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Engineer at this time, and he is otherwise unaware of the presence of such resources. This application is being coordinated with SHPO. Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

ENDANGERED SPECIES: No threatened or endangered species are known to use the project area.

Preliminarily, the described activity will not affect threatened or endangered species, or their critical habitat designated as endangered or threatened, under the Endangered Species Act of 1973 (87 Stat. 844). This application is being coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. Any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT: The proposed work is being evaluated for possible effects to Essential Fish Habitat (EFH) pursuant to the Magnuson Stevens Fishery Conservation and Management Act of 1996 (MSFCMA), 16 U.S.C. et seq and associated federal regulations found at 50 CFR 600 Subpart K. The Alaska District includes areas of EFH as Fishery Management Plans. We have reviewed the January 20, 1999, North Pacific Fishery Management Council's Environmental Assessment to locate EFH area as identified by the National Marine Fisheries Service (NMFS).

We have determined that the described activity within the proposed area will not adversely affect EFH, including anadromous fish and federally managed fishery resources.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so, the conditions under which it will be allowed to

occur, are therefore determined by the outcome of the general balancing process. That decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact Ms. Lisa M. Gibson at (907) 283-3519, if further information is desired concerning this notice.

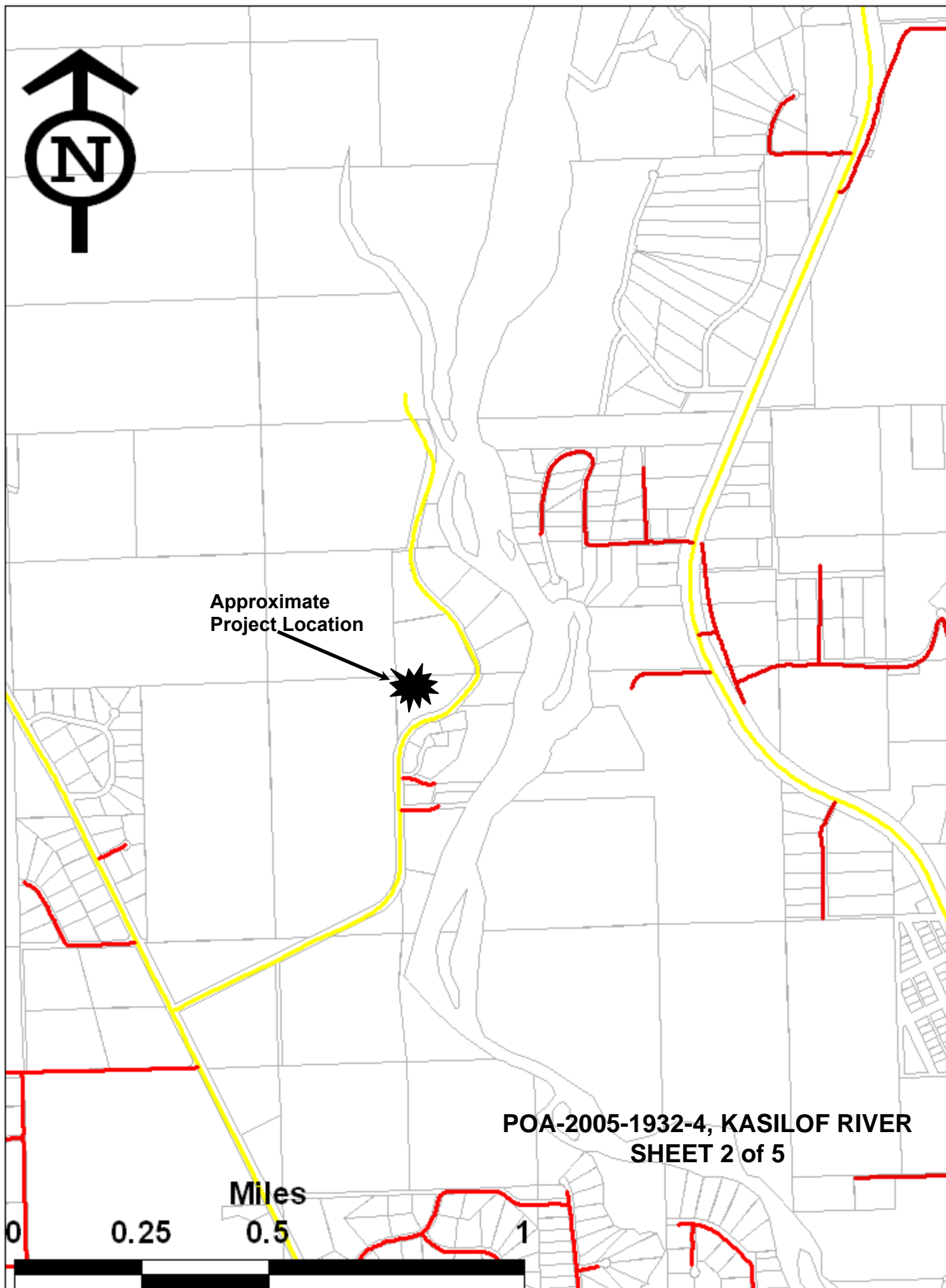
AUTHORITY: This permit will be issued or denied under the following authorities:

(X) Discharge dredged or fill material into waters of the United States - Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

A plan, Notice of Application for Certification of Consistency with the Alaska Coastal Management Program, and Notice of Application for State Water Quality Certification are attached to this Public Notice.

District Engineer
U.S. Army, Corps of Engineers

Attachments



Lewis Planned Wetland Enhancement

Date: 10/7/2005

Customer(s): LARRY LEWIS

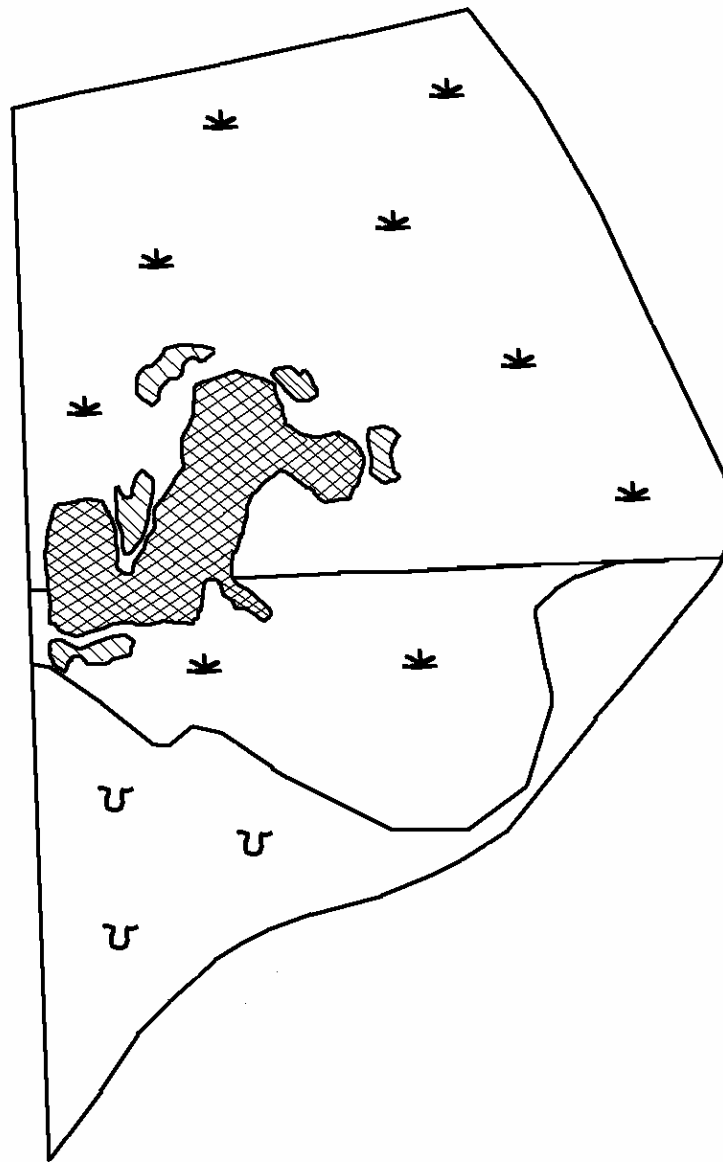
Field Office: KENAI SERVICE CENTER


Agency: USDA-NRCS


Assisted By: Margaret Holt Mueller

Approximate Acres: 1.1 Ac OW

Legal Description: T3N R12W Section 24



 Proposed sidecast area

 Proposed excavated pond

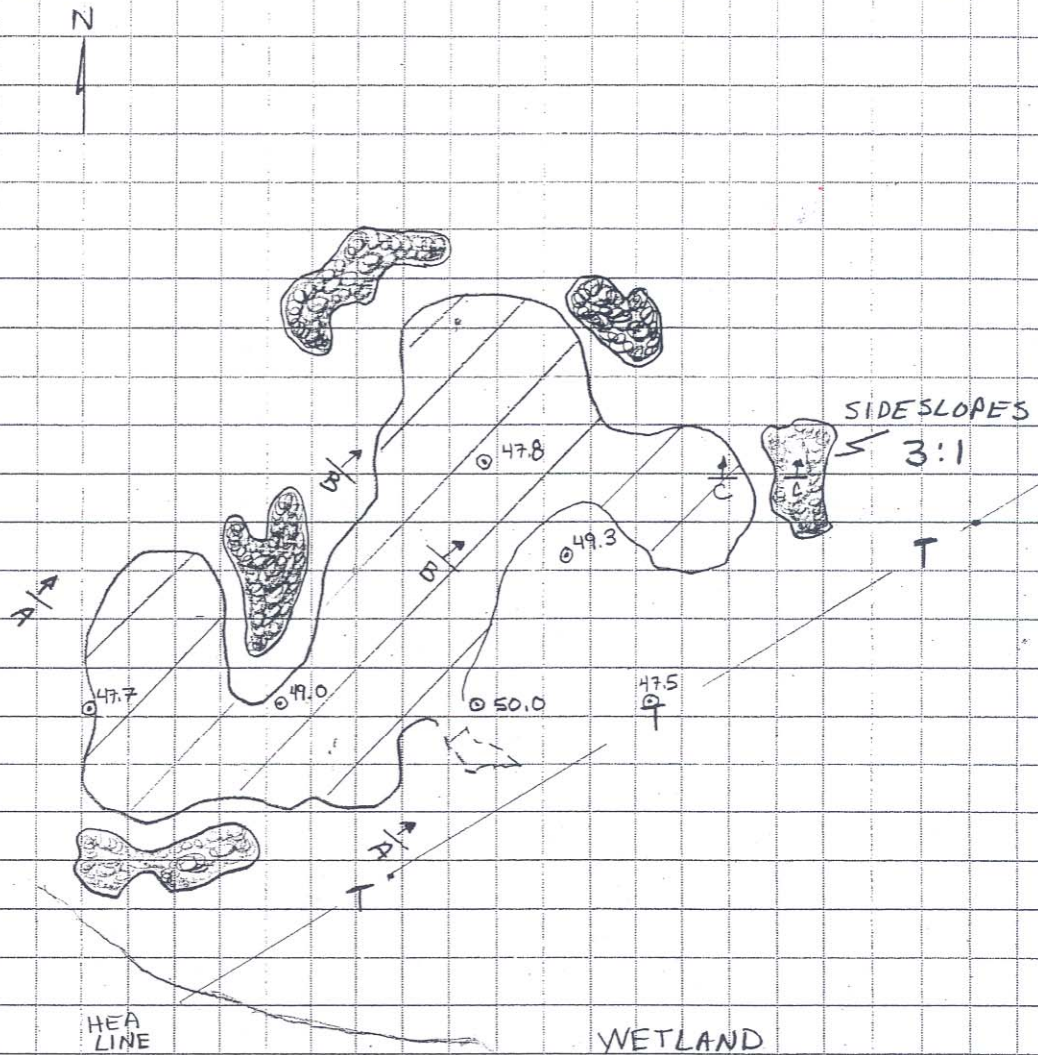
 Wetlands as identified by NRCS

 Uplands as identified by NRCS

**POA-2005-1932-4, KASILOF RIVER
SHEET 3 of 5**



SITE PLAN: TOP VIEW



MAX DEPTH: 3'-5'
MIN DEPTH: 0.5'-1'

MAX SURFACE AREA: 1.1 AC
MIN SURFACE AREA: 0.7 AC

POA-2005-1932-4, KASILOF RIVER
SHEET 4 of 5

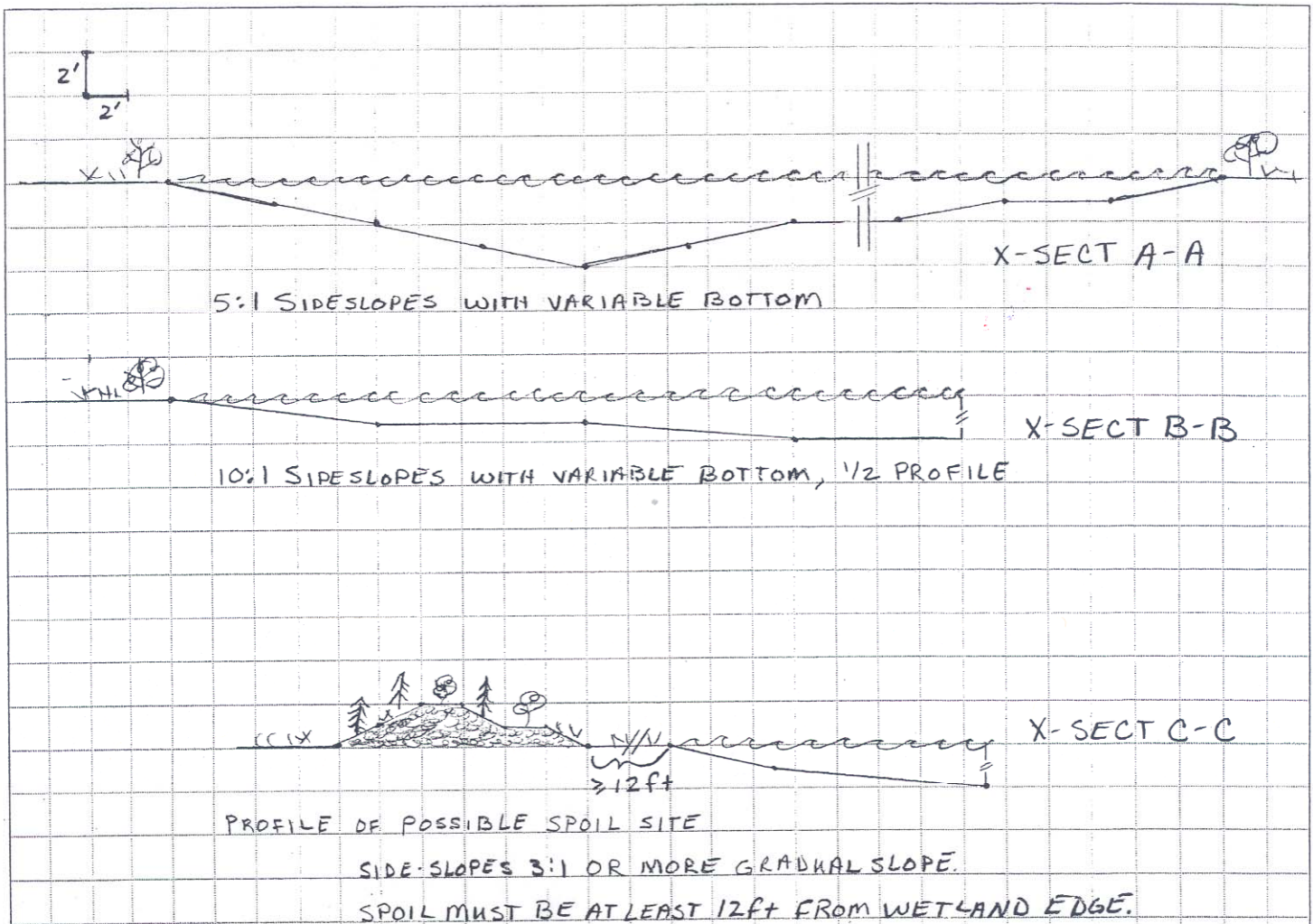
WETLAND ENHANCEMENT FOR WILDLIFE

Name: Larry Lewis

Sheet 1 of 2 Date: 10/20/05

Scale: one square = 26 feet

SITE PLAN: ELEVATION OR SIDE VIEW



WETLAND ENHANCEMENT FOR WILDLIFE

Name: LARRY LEWIS

Sheet 2 of 2 Date: 10/20/05

Scale: one square = 2 feet

Additional Comments or Descriptions:

WIDTH AND DEPTH OF WETLAND ENHANCEMENT WILL VARY WITH EXISTING TOPOGRAPHY.

SPOIL PILES ARE A CONTINGENCY IF A TRUCK IS NOT ABLE TO ACCESS THE SITE. PLACED AT LEAST 12 FT FROM EXCAVATED EDGE. SIDE SLOPES 3:1. WESTERN MOST POOL TO HAVE GREATEST DEPTH (3'-5' DEPENDING ON TEST HOLE/MATERIALS EXAMINATION) TO ACCOMMODATE FOR SILT.

STATE OF ALASKA

OFFICE OF THE GOVERNOR

DEPT. OF ENVIRONMENTAL CONSERVATION

DIVISION OF WATER

401 Certification Program

Non-Point Source Water Pollution Control Program

**NOTICE OF APPLICATION
FOR
STATE WATER QUALITY CERTIFICATION**

Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. POA-2005-1932-4, Kasilof River, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

After reviewing the application, the Department may certify that there is reasonable assurance that the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

Any person desiring to comment on the project with respect to Water Quality Certification may submit written comments within 30 days of the date of the Corps of Engineer's Public Notice to:

Department of Environmental Conservation
WQM/401 Certification
555 Cordova Street
Anchorage, Alaska 99501-2617
Telephone: (907) 269-7564
FAX: (907) 269-7508

FRANK H. MURKOWSKI, GOVERNOR

STATE OF ALASKA

OFFICE OF THE GOVERNOR

**DEPARTMENT OF NATURAL RESOURCES
OFFICE OF PROJECT MANAGEMENT AND PERMITTING**

ALASKA COASTAL ZONE MANAGEMENT
550 WEST 7TH AVENUE, SUITE 1660
ANCHORAGE, ALASKA 99501-3568

**NOTICE OF APPLICATION
FOR
CERTIFICATION OF CONSISTENCY WITH THE
ALASKA COASTAL MANAGEMENT PROGRAM**

Notice is hereby given that a request is being filed with the Office of Project Management and Permitting for a consistency determination, as provided in Section 307(c)(3) of the Coastal Zone Management Act of 1972, as amended [16 U.S.C. 1456(c)(3)], that the project described in the Corps of Engineers Public Notice No.

POA-2005-1932-4, Kasilof River, will comply with the Alaska Coastal Management Program and that the project will be conducted in a manner consistent with that program.

The Office of Project Management and Permitting requests your comments, particularly on the proposed project's consistency with the affected local coastal district management program. For more information on the consistency review contact OPMP at (907) 269-7470 or (907) 465-3562, or visit the ACMP web site at <http://www.gov.state.ak.us/gdc/Projects/projects.html>.